



3635
DAC

Patent
Attorney's Docket No. 033357-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
John Hulls et al.) Group Art Unit: 3635
Application No.: 10/057,811) Examiner: Yvonne Michele Horton
Filed: January 25, 2002) Confirmation No.: 5459
For: STRUCTURAL REINFORCEMENT)
SYSTEM FOR REINFORCING)
OPENINGS FORMED IN)
STRUCTURES)

**REQUEST FOR WITHDRAWAL OF HOLDING OF
ABANDONMENT - NO ABANDONMENT IN FACT**

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GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with M.P.E.P. § 711.03, withdrawal of the holding of abandonment in the above-captioned application is respectfully requested, there being no abandonment in fact. Specifically, the Notice of Abandonment issued on December 30, 2003 states that the application is held abandoned for failure to respond to the Patent and Trademark Office communication dated June 18, 2003.

- [X] However, a reply to that communication was timely filed on December 17, 2003. A copy of that reply (i.e., Response) as filed is enclosed, as is a post card receipt date-stamped by the Patent and Trademark Office to acknowledge receipt of said reply on said date. This date-stamped post card receipt, which itemizes and properly identifies the papers filed, is *prima facie* evidence of receipt in the Patent and Trademark Office of all the items listed thereon on the date stamped thereon by the Patent and Trademark Office. See, M.P.E.P. § 503.
- [] However, the communication dated was not received by the undersigned, and a search of the file jacket and docket records indicates that the Office communication was not received. In accordance with M.P.E.P. § 711.03 (c) II, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed is attached.

In light of the above, withdrawal of the holding of abandonment and prompt favorable action on the merits are respectfully requested.

Inventor: John Hulls et al. Appln. No. 10/057,811 Filing Date: January 25, 2002
Docket No.: 033357-007 Work. Atty. JWP/DRH/kcp Date: December 17, 2003



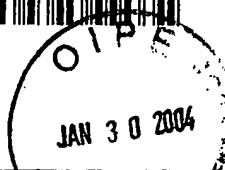
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| <input type="checkbox"/> Reply Brief | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/copy of Notice | <input type="checkbox"/> |
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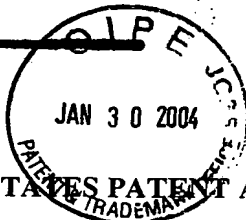
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Date of Deposit 12/17/03



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John Hulls et al.) Group Art Unit: 3635
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Filed: January 25, 2002) Confirmation No.: 5459
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SYSTEM FOR REINFORCING)
OPENINGS FORMED IN)
STRUCTURES)

REPLY TRANSMITTAL LETTER

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☒ A Petition for Extension of Time is also enclosed.
- ☒ A Terminal Disclaimer and the ☒ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☒ Also enclosed is/are Return Postcard
- ☒ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

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- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

A M E N D E D C L A I M S					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$86.00 (1201) =	
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If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					

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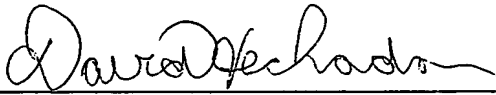
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The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: December 17, 2003

By: 
David R. Heckadon
Registration No. 50,184

P.O. Box 1404
Alexandria, Virginia 22313-1404
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Date of Deposit 12/17/03

Patent
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John Hulls et al.)	Group Art Unit: 3635
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Application No.: 10/057,811)	Examiner: Yvonne Michele Horton
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Filed: January 25, 2002)	Confirmation No.: 5459
)	
For: STRUCTURAL REINFORCEMENT)	
SYSTEM FOR REINFORCING)	
OPENINGS FORMED IN)	
STRUCTURES)	

RESPONSE

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of June 18, 2003, please consider the following
remarks:

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IN THE CLAIMS:

1. (Original) A structural reinforcement system for reinforcing and securing an opening in a building or structure, the structural reinforcement system comprising:

a frame defining an opening formed within a building, the frame comprising at least two substantially vertical spaced apart members and at least one substantially horizontal member connected to said substantially vertical members;

at least one channel member connected to one of said substantially vertical frame members, the channel member including a groove formed therein;

a movable panel adapted to move between a non-shear force transmitting position with said opening substantially open and a shear force transmitting position with said opening substantially closed, said movable panel comprising at least one panel member, said panel member including a groove engagement device disposed on opposing ends, said groove engagement device configured to be slidably received within said groove;

at least one panel-restraining device, the panel-restraining device configured to substantially restrain and secure said movable panel in said shear force transmitting position when a force is applied to the frame; and

said movable panel and said channel member connected to said opening and being configured to provide a substantially continuous load path when said movable panel is disposed in said shear force transmitting position.

2. (Original) The structural reinforcement system of Claim 1, wherein said panel members include interlocking means for releasably securing said panel members in a substantially coincident plane when said movable panel is in said shear force transmitting position.

3. (Original) The structural reinforcement system according to Claim 1, further including a second restraining device configured to be translated between a restraining position and a non-restraining position, wherein said movable panel and said panel-restraining device are engaged in a restraining position.

4. (Original) The structural reinforcement system according to Claim 3, further including an automatic closing means to move said movable panel from said open position to said closed position, said automatic closing means further moving said panel-restraining device between the non-restraining position and the restraining position.

5. (Original) The structural reinforcement system according to Claim 1, wherein said panel-restraining device includes one or more latch plates attached to a rotatable actuator rod, said latch plate being fixedly attached to said rotatable actuator rod, wherein said latch plate is configured to engage and restrain said movable panel when said movable panel is disposed in said closed position.

6. (Original) The structural reinforcement system according to Claim 1, wherein said panel-restraining device includes a continuous latch plate attached to a rotatable actuator rod, said latch plate being fixedly attached to said rotatable actuator rod, wherein said latch plate is configured to engage and restrain said movable panel when said movable panel is disposed in said closed position.

7. (Original) The structural reinforcement system according to Claim 6, wherein the latch plate further includes at least one aperture, channel, or slot formed therein and said movable panel further includes at least one pin extending from a first surface, the aperture formed within said latch plate being configured to receive and retain said pin when said movable panel is disposed in said closed position and said latch plate is disposed in a restraining position.

8. (Original) The structural reinforcement system according to Claim 6, wherein said latch plate further includes at least one pin extending from a surface of said latch plate, at least one pin being configured to be received within at least one aperture formed within the movable panel.

9. (Original) A structural reinforcement system for reinforcing and securing an opening in a structure, the structural reinforcement system comprising:

a frame defining an opening formed within a structure, the frame comprising at least two substantially vertical spaced apart members and at least one substantially horizontal member connected to said substantially vertical members;

at least one first channel member connected to at least one of said substantially vertical frame members;

at least one second channel member coupled to said first channel member, the channel members forming a groove therebetween;

a movable panel adapted to move between a non-shear force transmitting position with said opening substantially open and a shear force transmitting position with said opening substantially closed, said movable panel comprising at least one panel member, said panel member including a groove engagement device disposed on opposing ends, said groove engagement device configured to be slidably received within said groove; and

at least one panel-restraining device configured to substantially restrain said movable panel in said shear force transmitting position, wherein said movable panel and said channel members are in communication with the opening and configured to provide a substantially continuous load path when said movable panel is disposed in said shear force transmitting position.

10. (Original) The structural reinforcement system of Claim 9, wherein said panel members include interlocking means for releasably securing said panel members in a substantially coincident plane when said movable panel is in said shear force transmitting position.

11. (Original) The structural reinforcement system according to Claim 9, further including a second restraining device configured to be translated between a restraining position and a non-restraining position when said panel-restraining device and said movable panel are engaged in a restraining position and closed position.

12. (Original) The structural reinforcement system according to Claim 11, further including an automatic closing means to move said movable panel from said open position to said closed position, said automatic closing means further moving said panel-restraining device between the non-restraining position and the restraining position.

13. (Original) The structural reinforcement system according to Claim 9, wherein said panel-restraining device includes one or more latch plates attached to a rotatable actuator rod, said latch plate being fixedly attached to said rotatable actuator rod, wherein said latch plate is configured to engage and restrain said movable panel when said movable panel is disposed in said closed position.

14. (Original) The structural reinforcement system according to Claim 9, wherein said panel-restraining device includes a continuous latch plate attached to a rotatable actuator rod, said latch plate being fixedly attached to said rotatable actuator rod, wherein said latch plate is configured to engage and restrain said movable panel when said movable panel is disposed in said closed position.

15. (Original) The structural reinforcement system according to Claim 14, wherein the latch plate further includes at least one aperture, channel, or slot formed therein and said movable panel further includes at least one pin extending from a first surface, the aperture formed within said latch plate being configured to receive and retain said pin when said movable panel is disposed in said closed position and said latch plate is disposed in a restraining position.

16. (Original) The structural reinforcement system according to Claim 14, wherein said latch plate further includes at least one pin extending from a surface of said latch plate, at least one pin being configured to be received within at least one aperture formed within the movable panel.

17. (Original) A structural reinforcement system for reinforcing and securing an opening in a structure, the structural reinforcement system comprising:

a frame defining an opening formed within a structure, the frame comprising at least two substantially vertical spaced apart members and at least one substantially horizontal member connected to said substantially vertical members;

at least one first channel member connected to at least one of said substantially vertical frame members;

at least one second channel member coupled to said first channel member, the channel members forming a groove therebetween;

a movable panel adapted to move between a non-shear force transmitting position with said opening substantially open and a shear force transmitting position with said opening substantially closed, said movable panel comprising at least one panel member, said panel member including a groove engagement device disposed on opposing ends, said groove engagement device configured to be slidably received within said groove;

at least one panel-restraining device for substantially restraining and securing said movable panel in said shear force transmitting position; and

a frame reinforcement device connected to said frame opening wherein, said movable panel and said channel members are configured to provide a substantially continuous load path when said movable panel is disposed in said shear force transmitting position.

18. (Original) The structural reinforcement system of Claim 17, wherein said panel members include interlocking means for releasably securing said panel members in a substantially coincident plane when said movable panel is in said shear force transmitting position.

19. (Original) The structural reinforcement system according to Claim 17, further including a second restraining device configured to be translated between a restraining position and a non-restraining position when said panel-restraining device and said movable panel are engaged in a restraining position and closed position.

20. (Original) The structural reinforcement system according to Claim 19, further including an automatic closing means to move said movable panel from said open position to said closed position, said automatic closing means further moving said restraining means between the non -restraining position and the restraining position.

21. (Original) The structural reinforcement system according to Claim 17, wherein said panel-restraining device includes one or more latch plates attached to a rotatable actuator rod, said latch plate being fixedly attached to said rotatable actuator rod, wherein said latch plate is configured to engage and restrain said movable panel when said movable panel is disposed in said closed position.

22. (Original) The structural reinforcement system according to Claim 17, wherein said panel-restraining device includes a continuous latch plate attached to a rotatable actuator rod, said latch plate being fixedly attached to said rotatable actuator rod, wherein said latch plate is configured to engage and restrain said movable panel when said movable panel is disposed in said closed position.

23. (Original) The structural reinforcement system according to Claim 22, wherein the latch plate further includes at least one aperture, channel, or slot formed therein and said movable panel further includes at least one pin extending from a first surface, the aperture formed within said latch plate being configured to receive and retain said pin when said movable panel is disposed in said closed position and said latch plate is disposed in a restraining position.

24. (Original) The structural reinforcement system according to Claim 22, wherein said latch plate further includes at least one pin extending from a surface of said latch plate, at least one pin being configured to be received within at least one aperture formed within the movable panel.

25. (Original) The structural reinforcement system according to Claim 17, wherein the frame reinforcing device comprises at least one upper reinforcement device.

26. (Original) The structural reinforcement system according to Claim 17, wherein the frame reinforcing device comprises at least one lower reinforcement device.

27. (Original) The structural reinforcement system according to Claim 17, wherein the frame reinforcing device comprises at least one upper reinforcement device and at least one lower reinforcement device.

28. (Original) The structural reinforcement system according to Claim 27, further including at least one elongated member disposed between and in communication with the upper and lower reinforcement devices.

29. (Original) The structural reinforcement system according to Claim 17, wherein said frame reinforcement device is disposed within said opening.

30. (Original) The structural reinforcement system according to Claim 17, wherein said frame reinforcement device is disposed upon the side edges of said opening.

31. (Original) The structural reinforcement system according to Claim 17, wherein said frame reinforcement device is designed to reduce stress concentrations in the corners of the opening.

32. (Original) The structural reinforcement system according to Claim 17, wherein said frame reinforcement comprises an upper reinforcement device, the upper reinforcement device configured to be disposed across the substantially horizontal member of the opening.

33. (Original) The structural reinforcement system according to Claim 32,

wherein said frame reinforcement device further includes a lower reinforcement device disposed across the lower portion of the opening and adjacent to the upper reinforcement device.

33. (Original) The structural reinforcement system according to Claim 17, wherein said frame reinforcement device further includes an anchoring device, the anchoring device configured to anchor the frame reinforcement device to the foundation of the structure.

34. (Original) The structural reinforcement system according to Claim 17, wherein said first and second channels are configured to be reinforcement devices.

35. (Original) The structural reinforcement system according to Claim 34, wherein said first and second channels are connected to the frame reinforcement device.

REMARKS

Double Patenting Rejection:

Claims 1 and 2 were rejected as double patenting in view of Patent 6,374,551.
An appropriate Terminal Disclaimer is filed herewith, overcoming the double patenting rejection.

Allowable Subject Matter:

Claims 5 to 8, 13 to 16, 21 to 24 and 28 contain allowable subject matter.
The Applicant reserve the right to place claims 5, 6, 13, 14, 21, and 22, thus placing claims 5 to 8, 13 to 16, 21 to 24 and 28 in condition for allowance.

Section 102 Rejections:

Claims 1 to 4, 9 to 12, 17 to 20, 25 to 27, and 29 to 36 were rejected as being anticipated by MAGRO.

(a) The Presently Claimed Invention:

The presently claimed invention sets forth a system that resists **in-plane** shear. IE: the present invention is configured to resist shear stresses in the **plane of the garage door**.

Specifically, independent claims 1, 9 and 17 set forth:

.... a movable panel adapted to move between a non-shear force transmitting position with said opening substantially open and a **shear force transmitting position** with said opening substantially closed,

..... at least one panel-restraining device, configured to **substantially restrain and secure said movable panel in said shear force transmitting position** when a force is

applied to the frame; and

said movable panel and said channel member connected to said opening and being **configured to provide a substantially continuous load path** when said movable panel is disposed in **said shear force transmitting position**. [Emphasis added]

(b) The Magro System:

The Magro system describes a door made up of a series of thin, interlinking metal strips or slats that interlock forming a loose hinge, allowing the door to be rolled up.

(c) The Magro System Distinguished:

The Magro system can only withstand out-of-plane tension loads, i.e. to prevent wind loads from blowing the door into the building. Specifically, if one constructs a simple force diagram, it will be seen that if the wall opening deflects into a parallelogram shape from the application of in-plane shear forces. Thus, the hook assembly 48 will merely rotate with respect to the channel 24, and the individual slat will slide relative to its adjacent slat.

Fig. 6A clearly shows that the hook and assembly 48 and 48b are totally unrestrained except for tension loads on the individual slat to which they are connected. By definition, no shear or bending can be transmitted by an unrestrained joint. (i.e. Only tension and compression can be transmitted by an unrestrained joint). Therefore, no shear forces (i.e. forces in the **plane** of the door) will be transmitted to the door panel, in contrast to the present invention. For the door panel to transmit shear, it must become a solid shear membrane when closed, i.e. restrained in all shear planes so it cannot move relative to the wall. Furthermore, hooks 48 and 48b are clearly shown to engage only when the door panel is deflected inward by force F (Fig 6a). Also note that the assemblage of angles shown in Magro's Figs 3, 4, and 5 are oriented 90 degrees from the shear resisting channels and header lock (as compared to the present invention). Also, forces "F" shown in Fig. 6A, are likewise 90 degrees to the

shear forces on the door which would result from shear loads on the wall adjacent to the door opening. Consequently, Magro has no ability to resist shear forces and, as a simple force diagram will show, has no structure or devices capable of resisting said forces.

As such, the independent claims 1, 9 and 17 and all claims depending therefrom, are believed to be allowable.

In view of the foregoing, withdrawal of the present anticipation rejections is respectfully requested.


Conclusion:

For the reasons presented above, all claims are believed to be in condition for allowance. A Notice of Allowance is therefore respectfully requested.

Should the Examiner feel that a telephone conference would advance prosecution of the present application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
David R. Heckadon
Registration No. 50,184

P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300

Date: December 17, 2003

Date of Deposit 12/17/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

John Hulls et al.

Application No.: 10/057,811

Filed: January 25, 2002

For: STRUCTURAL REINFORCEMENT
SYSTEM FOR REINFORCING
OPENINGS FORMED IN
STRUCTURES

Group Art Unit: 3635

Examiner: Yvonne Michele Horton

Confirmation No.: 5459

PETITION FOR EXTENSION OF TIME

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Sir:

The following extension of time is requested to respond to the Official Action dated June 18, 2003:

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<input checked="" type="checkbox"/> three months to	December 18, 2003	<input checked="" type="checkbox"/> \$475.00 (2253)	<input type="checkbox"/> \$950.00 (1253)
<input type="checkbox"/> four months to		<input type="checkbox"/> \$740.00 (2254)	<input type="checkbox"/> \$1,480.00 (1254)
<input type="checkbox"/> five months to		<input type="checkbox"/> \$1,005.00 (2255)	<input type="checkbox"/> \$2,010.00 (1255)

☐ The shortened statutory period has been reset by an Advisory Action dated _____.

☒ An extension fee in the amount of \$ 475.00 is enclosed.

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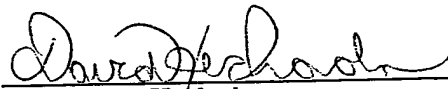
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: December 17, 2003

By:


David R. Heckadon
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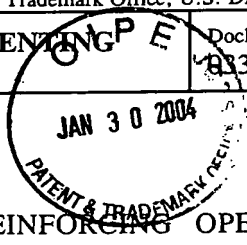
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
33357-007



In re Application of: John Hulls et al.
Continuation Application of Application No.: 10/057,811
Filed: January 25, 2002
For: STRUCTURAL REINFORCEMENT SYSTEM FOR REINFORCING OPEINGS FORMED IN STRUCTURES

The owner*, Ei-Land Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,374,551. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

December 17, 2003
Date

James W. Peterson
Signature

James W. Peterson, Reg. No. 26,057
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See M.P.E.P. § 324.

Inventor: John Hulls et al.

Filing Date: January 20, 2003

Docket No.: 033357-007

Work. Atty. JWP/DRH/kcp

Date: December 17, 2003

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

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<input type="checkbox"/> Brief for Appellant
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<input type="checkbox"/> Executed Declaration/Power of Attorney
<input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
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